

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 595 of 2015**

Vishnu Shankar Tiwari S/o Late Chandra Lal Tiwari, Aged About 62 Years R/o Village Pendrikala, Police Station And Tahsil Khairagarh, District Rajnandgaon (Chhattisgarh).

---- Appellant

Versus

1. State Of Chhattisgarh Through Secretary, Department Of Water Resources, Mahanadi Bhawan, Mantralaya, Naya Raipur, Chhattisgarh.
2. Chief Engineer, Department Of Water Resources, Mahanadi Godawari Kchar, Raipur, Chhattisgarh.
3. Executive Engineer, Department Of Water Resources, Division Bemetara, District Bemetara, Chhattisgarh.
4. Executive Engineer, Department Of Water Resources, Division Chuikhadan, District Rajnandgaon (Chhattisgarh).
5. Executive Engineer, Department Of Water Resources, Division Rajnandgaon, District Rajnandgaon, Chhattisgarh.
6. Dhannu Lal Verma, S/o Late Pannu Ram Verma, Aged About 61 Years R/o Ward No. 3 Rajmahi Chowk, Police Station And Tahsil Chuikhadan, District Rajnandgaon, Chhattisgarh.
7. Devilal Deshmukh, S/o Late Hanuman Deshmukh, Aged About 62 Years R/o Village Laxmanpur, Post Chuikhadan, Police Station And Tahsil Chuikhadan, District Rajnandgaon (Chhattisgarh)

---- Respondents

Appellant:	Shri Ravi Kumar Bhagat, Advocate.
Respondents/State:	Shri B. Gopa Kumar, Deputy Advocate General.

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board**Per Navin Sinha, Chief Justice****17/12/2015**

1. I.A. No.1/2015 has been filed to condone delay of 442 days in preferring the appeal against the order dated 1.7.2014 dismissing W.P.(S) No.4220/2013 declining to count the period on daily wage prior to

regularization for computing eligibility to pension and gratuity.

2. Learned Counsel for the Appellant submits that the delay was genuine and bona fide and it may be condoned. The pleadings are to the effect that the Appellant was under impression that the matter was pending. The fact that it was dismissed did not come to his knowledge till August, 2015 till he checked status of the case in an inquiry.

3. We do not consider it a sufficient cause as there is no explanation that if he had filed a case through a Counsel, why he was not vigilant for protection of his rights by keeping in touch with the Counsel. The delay is inordinately long, sufficient to classify the Appellant as an indolent litigation in whose favour the discretionary jurisdiction ought not to be exercised.

4. Application for condonation of delay is rejected.

5. Consequently, the appeal itself fails.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE